

1 Daniel B. Beck, SBN 63865
Evan Livingstone, SBN 252008
2 Beck Law P.C.
2681 Cleveland Avenue
3 Santa Rosa CA 95403
Phone: 707-576-7175
4 Fax: 707-576-1878

5 Attorneys for Debtors

6
7
8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 10-11995
11 Charles Denis Downie and Lydia Downie Chapter 13
Debtor(s)
12 _____/

13 REQUEST FOR ENTRY OF DEFAULT ORDER GRANTING MOTION

14 TO VALUE LIEN AT \$0 AND AVOID LIEN UPON DISCHARGE

15 On September 17, 2010 Debtor filed a motion to value and avoid the junior lien of
16 California Department of Veterans Affairs (hereinafter Junior Lienholder) against the property
17 commonly known as 10133 Fairway Dr, Kelseyville, CA 95451, Lake County AP #043-573-22.
18 Said lien secures an Improvement Advance Contract No. 970512 which was made between
19 debtor and Junior Lienholder debtor on October 15, 2007 and was filed as claim # 4 in this
20 bankruptcy (hereinafter the Junior Lien).

21 On November 29, 2011 Junior Lienholder filed document #36 withdrawing Junior
22 Lienholder's opposition to Debtor's motion to value and avoid Junior Lienholder's Junior Lien.
23 Therefore Debtor requests that the court grant the attached proposed order.

24 Date: March 25, 2011

/s/Dan Beck
Dan Beck, Attorney for Debtor

1 Daniel B. Beck, SBN 63865
Evan Livingstone, SBN 252008
2 Beck Law P.C.
2681 Cleveland Avenue
3 Santa Rosa CA 95403
Phone: 707-576-7175
4 Fax: 707-576-1878

5 Attorneys for Debtors
6
7

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 10-11995
11 Charles Denis Downie and Lydia Downie Chapter 13
Debtor(s)
12 _____/

13 PROPOSED ORDER GRANTING MOTION TO VALUE LIEN

14 AS \$0 AND AVOID LIEN UPON DISCHARGE OF DEBTOR

15 On September 17, 2010 Debtor filed a motion to value and avoid the junior lien of
16 California Department of Veterans Affairs (hereinafter Lienholder) against the property
17 commonly known as 10133 Fairway Dr, Kelseyville, CA 95451, Lake County AP #043-573-22,
18 which lien secures an Improvement Advance Contract No. 970512 which was made between
19 debtor and Junior Lienholder debtor on October 15, 2007 and was filed as claim # 4 in this
20 bankruptcy (hereinafter the Lien).

21 On November 29, 2011 Junior Lienholder filed document #36 withdrawing Junior
22 Lienholder's opposition to Debtor's motion to value and avoid Junior Lienholder's Lien.
23 Therefore the court hereby orders as follows:

24 //

1 (1) For purposes of Debtor's chapter 13 plan only, the Junior Lien of California
2 Department of Veterans Affairs is valued at zero dollars (\$0), does not have a secured claim, and
3 the Junior Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b)(2) and 1327.

4 (2) This order shall become part of Debtor's confirmed chapter 13 plan.

5 (3) Upon entry of a discharge in Debtor's chapter 13 case, the Junior Lien shall be voided
6 for all purposes, and upon application by Debtor, the court will enter an appropriate form of
7 judgment voiding the Junior Lien.

8 (4) If Debtor's chapter 13 case is dismissed or converted to one under another chapter
9 before Debtor obtains a discharge, this order shall cease to be effective and the Junior Lien shall
10 be retained to the extent recognized by applicable non-bankruptcy law, and upon application by
11 the lienholder, the court will enter an appropriate form of order restoring the Junior Lien.

12 (5) Except as provided by separate, subsequent order of this court, the Junior Lien may
13 not be enforced so long as this order remains in effect.

14 ** END OF ORDER **
15
16
17
18
19
20
21
22
23
24

Daniel B. Beck, SBN 63865
Evan Livingstone, SBN 252008
Beck Law P.C.
2681 Cleveland Avenue
Santa Rosa CA 95403
Phone: 707-576-7175
Fax: 707-576-1878

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: Case No. 10-11995
Charles Denis Downie and Lydia Downie Chapter 13
Debtor(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2011, a copy of above as well as a copy of REQUEST FOR ENTRY OF DEFAULT ORDER GRANTING MOTION TO VALUE LIEN AT \$0 AND AVOID LIEN UPON DISCHARGE Debtor(s) PROPOSED ORDER ON MOTION TO VALUE LIEN OF SECURED CREDITOR AS \$0 AND AVOID LIEN, was served, to the United States Trustee, the Chapter 13 Trustee, electronically, and to the creditor listed below by first class mail.

Robert D Wilson
California Department of Veterans Affairs
1227 O Street, Suite 306
Sacramento, CA 95814

Date: March 25, 2011 /s/Evan Livingstone
Evan Livingstone